

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)

MINDY TOOMBS,

Plaintiff

v.

LOWE'S COMPANIES, INC., et al.,

Defendants

Case No. 8:21-cv-01843

NOTICE OF REMOVAL

Lowe's Companies, Inc. ("Lowe's"), by and through counsel, hereby give notice of removal of the above action from the Circuit Court for Prince George's County, Maryland ("Circuit Court"), to the United States District Court for the District of Maryland, pursuant to 29 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332. All requirements for the removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Lowe's states as follows:

1. There is pending in the Circuit Court for Prince George's County, Maryland, a Complaint styled Mindy Toombs v. Lowe's Companies, Inc., et al., Case No. CAL21C-02-CV-04644 (the "State Court Action"). The Complaint in the State Court Action was filed on or about April 21, 2021. A copy of the Complaint is attached hereto as Exhibit A.

2. Lowe's was served with the summons and complaint in the State Court Action in North Carolina on June 25, 2021, via certified mail.

3. Lowe's is not aware that the other named Defendant, Bird Brain, Inc., has been served and the Circuit Court docket does not reflect service on Bird Brain, Inc. as of the date of this filing.

4. This Notice of Removal is filed within thirty (30) days of the date on which Lowe's first received a copy of the Complaint and is therefore timely under 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original jurisdiction of the Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Plaintiff is a resident of Maryland. See Exhibit A, ¶ 1.

7. Lowe's is a North Carolina Corporation with its Principal Place of Business in North Carolina. *See* North Carolina Secretary of State printout, attached hereto as Exhibit B.

8. Bird Brain, Inc. is a Michigan Corporation with its principal place of business in Michigan. *See* State of Michigan Corporations Online Filing System printout, attached hereto as Exhibit C.

9. Plaintiffs' Complaint seeks compensatory damages in an amount in excess of \$75,000. *See* Exhibit A.

10. This action is properly removed on grounds of diversity of citizenship because (a) complete diversity of citizenship exists between Plaintiff and all named defendants and (b) the amount in controversy herein exceeds the sum or value of \$75,000.

11. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff, co-defendant, and the Clerk of the Circuit Court for Prince George's County, Maryland, as required by 28 U.S.C. § 1446(d).

12. Copies of all papers filed to date in the State Court Action are attached hereto.

WHEREFORE, Defendant Lowe's Companies, Inc. respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

/s/ Sandra T. Carson

Sandra T. Carson (Bar No. 24699)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **23rd** day of July, 2021, a true and correct copy of the foregoing Notice of Removal was served via e-mail and U.S. Mail, First Class postage pre-paid on:

Jason Perash, Esq.
The Law Office of Jason Perash, LLC
9520 Berger Rd, Suite 212
Columbia, MD 21046
(410) 990-1529
Jason@PerashLaw.com
Attorneys for Plaintiff

And via U.S. Mail, first-class postage prepaid, on:

Bird Brain, Inc.
c/o Courtney A. King, Registered Agent
P.O. Box 131526
Ann Arbor, MI 48113
Defendant

/s/ Sandra T. Carson

Sandra T. Carson (#24699)